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<div>466 7590 01/07/2010</div> <div>YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314</div>				
<div>EXAMINER</div> <div>SHUMATE, ANTHONY R</div>				
<div>ART UNIT PAPER NUMBER</div> <div>1797</div>				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/583,938

Applicant(s)

BARDON ET AL.

Examiner

ANTHONY SHUMATE

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 20-27, 29, 30, 34-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 20-27, 29, 30, 34-36 and 38 is/are rejected.
- 7) ☒ Claim(s) 18, 20-27, 29, 30, 34-36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-840)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5 November 2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 November 2009 has been entered.

Response to Amendment

2. The Amendment filed 5 November 2009 has been entered and fully considered.
3. Claims 18, 20-27, 29, 30, 34-36, and 38 are pending, of which claims 18 and 30 were amended, and claim 38 is new. The amendments of claim 18 are supported by the originally filed disclosure.
4. The previous claim objection is withdrawn in light of the Applicant's amendments to the claims.

Information Disclosure Statement

5. The information disclosure statement filed 5 November 2009 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in

the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wherein said first portion comprises an external face in contact with the exterior of said block must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the extrusion die conformed to form, by extrusion of a ceramic material, a structure provided with channels suitable for the fabrication of a filter block must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a die having a structure provided with channels as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a ceramic material suitable for the fabrication of a filter block as described in the specification. Any structural detail that is essential for a proper understanding of the

disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

10. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: wherein said first portion comprises an external face in contact with the exterior of said block.

11. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a die having a structure provided with channels.

12. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a ceramic material suitable for the fabrication of a filter block.

Claim Objections

13. Claims 18, 20-27, 29, 30, 34-36, and 38 are objected to because of the following informalities: Claim 18 has the phrase, "a reinforcement compared to the rest of said side wall forming a second portion of said side wall," which is unclear and is assumed to be minor grammatical error. The Examiner will assume the Applicant intended to right, "a reinforcement compared to the rest of said side wall forming **the** second portion of said side wall." (change bolded for clarity)

Also, instant claim 18 has the phrase, "the 'reinforced channel'," which is grammatically incorrect. For the phrase as written in the claim, the comma should come before the quotation mark.

Appropriate correction is required.

14. Claims 20, 22, 23, 26 are objected to because of the following informalities:
- Claims 20, 22, 23, 26 are dependent upon a cancelled claim which is inappropriate.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

16. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Though the disclosure provides support that the first portion is the external face of the block, the disclosure does not support the limitation(s) of claim 21.

17. Claim 26 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the reinforcement is substantially constant for a portion of the reinforced channels, does not reasonably provide enablement for wherein said reinforcement is substantially constant for all the reinforced channels. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Figure 4 appears to indicate that the channels with reinforcement within

the corners of the filter block appear to have twice as much reinforcement as the channels with reinforcement that are not in the corners of the filter block.

18. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Though the disclosure provides support for an extrusion die conformed to form, by extrusion of a ceramic material, a filter block with channels, the disclosure does not support the limitation(s) of claim 29.

19. Claims 30 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation of amended claim 30, "a die having a structure provided with channels" was not supported by the original disclosure.

20. Claims 30 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. The limitation of amended claim 30, "a ceramic material suitable for the fabrication of a filter block."

21. Claims 36 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations of claims 36 and 38 were not supported by the original disclosure.

22. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

23. Claim 20, 22 and 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20, 22 and 23 recites the limitation "group" in said group. There is insufficient antecedent basis for this limitation in the claims.

24. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 has the phrase "preferably" within the phrase, "preferably so that said reinforcing partition is at the external surface of said block," which is unclear as to the metes and bounds of the patent protection desired.

25. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 27 recites the limitation "ratio R" in said ratio R. There is insufficient antecedent basis for this limitation in the claim.

26. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the

remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 27 recites the broad recitation between 1.9 and 2.1, and the claim also recites preferably is substantially equal to 2 which is the narrower statement of the range/limitation.

27. Claims 18, 20-27, 29, 30, 34-36, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 has the phrase, "wherein a first portion of the side wall of at least one of said channels, called the 'reinforced channel', comprises a reinforcement compared to the rest of said side wall forming a second portion of said side wall," and claim 18 has the phrase, "a plurality of adjacent reinforced channels arranged so that each said first portion of said reinforced channels form a continuous reinforcing partition."

Therefore, the claim is indefinite as to whether one or more of channels has a reinforcement or a plurality of channels has a reinforcement.

28. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites the limitation "block" in said block. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 18, 20, 22-25, 27, 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as obvious over OHNO et al. (WO 01/23069) in view of MATSUBARA et al. (US 6,060,148).

For convenience the OHNO et al. (US 6,669,751 B1) will be used for reference as a translation of OHNO et al. (WO 01/23069).

For instant **claim 18**, OHNO et al. teaches at the abstract and the figures and column 4 line 1 - column 6 line 67 and the claims a plurality of one-piece blocks (F1).

For instant **claim 18**, OHNO et al. teaches at the abstract and the figures seals (15) assembled with the blocks (F1).

[Webster's Third New International Dictionary, Unabridged, 1993 provides extrinsic evidence that nature means the distinguishing qualities or properties of something.]

Therefore, OHNO et al. teaches at the abstract and the figures a distinguishing quality of the material of the seals (15) is that the material forms a seal. Also, OHNO et al. teaches at the abstract and the figures a distinguishing quality of the material of the blocks (F1) is that the material forms blocks. Therefore, intrinsically a nature of the material of the seals of OHNO et al. is different from the nature of a material of the blocks of OHNO et al.

As well, OHNO et al. teaches at column 5 lines 35-41 the filters (F1) having the material cordierite, and OHNO et al. teaches at column 6 lines 40-50 the seal layer (15) having the material silica fiber.

Also for instant claim 18, OHNO et al. teaches at the figures and column 3 lines 26-34 and column 4 lines 48-50 and column 5 line 46 a block (F1) comprising a plurality of through holes (flow channels) (12) for exhaust gases, each of the through holes (channels) (12) being bounded by a cell wall (side wall).

OHNO et al. teaches at the figures and column 5 lines 42-55 a plug (14) and an opening terminating outwardly.

Also for instant claim 18, in relation to the limitations:

A) wherein a first portion of the side wall of at least one of said channels, called the "reinforced channel," comprises a reinforcement compared to the rest of said side wall forming a second portion of said side wall, and

B) the ratio of the thickness of said first portion to the thickness of said second portion, in a transverse plane of section, being always between 1.1 and 3,

A) OHNO et al. teaches at the figures and column 3 lines 26-34 and column 4 lines 48-50 a first portion of the cell wall (side wall) of a through hole (channel). Also, OHNO et al. teaches at the title and the figures a ceramic honeycomb body. MATSUBARA et al. also teaches at the title a ceramic honeycomb body. Additionally, MATSUBARA et al. teaches at the abstract, the figures, page 2 lines 6-11 block comprising a plurality of flow channels for exhaust gases, each of the channels being bounded by a side wall.

As well, MATSUBARA et al. teaches at the abstract, the figures, particularly figure 6 and table 1 particularly comparative example 7 and inventive example 3 wherein the thickness of the outer peripheral wall is greater than the thickness of the other cell wall (i.e. a first portion of the side wall of a channel comprises a reinforcement compared to the rest of the side wall forming a second portion of the side wall). Also, MATSUBARA et al. teaches at the figures particularly figure 6 and table 1 particularly comparative example 7 and comparative examples 9-12 and invention example 7-10 that if the thickness of the outer peripheral wall is greater than the thickness of the cell wall in outer

peripheral portion the ceramic honeycomb body has no chipping. (For reference for table 1 of MATSUBARA et al. MATSUBARA et al. teaches at page 6 lines 31-34 O: no chipping in five bodies, Δ: occurrence of acceptable fine chipping, ▲: occurrence of unacceptable large chipping in one or more bodies, and X: occurrence of unacceptable large chipping in three or more bodies.)

B) MATSUBARA et al. teaches at the figures particularly figure 6 and table 1 particularly inventive example 3 the ratio of the thickness of the first portion to the thickness of the second portion, in a transverse plane of section, being always 1.7 It is the Examiner's position that 0.3 divided by 0.17 always equals 1.7 Also, it is the Examiner's position that 1.7 is within the claimed range of 1.1 and 3, thereby providing a prima facie case of obviousness. (MPEP 2144.05 PART I)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of the A) thickness of the outer peripheral wall is greater than the thickness of the other cell wall of MATSUBARA et al. and the B) ratio of 1.7 of MATSUBARA et al. to the ceramic honeycomb body of OHNO et al. for the benefit reducing the occurrence of chipping in the ceramic honeycomb body.

Furthermore for instant claim 18, the Examiner notes for the following that claim 18 has the phrase, "the filter body comprising a plurality of adjacent reinforced channels arranged so that each said first portion of said reinforced channels form a continuous reinforcing partition, a thickness of said reinforcing

partition is substantially constant,” and the Examiner notes that in the phrase the first portion and the reinforcing partition are the same part. Also, the Examiner revisits for clarity that instant claim 18 described that the “first portion of the side wall of at least one of said channels, called the “reinforced channel.” Also, OHNO et al. depicts at the figures particularly at figure 6 the filter body comprising a plurality of adjacent through holes (channels) arranged so that each the first portion of the channels form a continuous partition, a thickness of the first portions is substantially constant.

For instant claim 20, OHNO et al. teaches at the figures particularly figure 6 and column 5 lines 46 through holes (channels) with the first portion of the cell wall (side wall), extend to the periphery of the block (F1).

For instant claim 22, OHNO et al. teaches at the abstract and figures particularly figure 3 and column 5 line 46 a cell wall (side wall) of the through holes (channels) which overlaps a longitudinal edge of the filter block (F1).

For instant claim 23, OHNO et al. teaches at the figures particularly figure 3 and column 5 lines 46 a cell wall (side wall) of the peripheral through holes (channels) surrounds the block (F1).

For instant claim 24, MATSUBARA et al. teaches at the figures wherein the ratio is constant irrespective of the transverse plane of section considered. Also, OHNO et al. teaches at the figures particularly at figure 6 wherein the thickness of the first and second portions of wall are constant. As an addendum to the previous combination obvious statement above for claim 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of the wherein the ratio is constant irrespective of the transverse plane of section considered of MATSUBARA et al. to the ceramic honeycomb body of OHNO et al. for the benefit reducing the occurrence of chipping in the ceramic honeycomb body.

For instant claim 25, MATSUBARA et al. teaches at the figures wherein the reinforcement is substantially constant in any longitudinal plane of section of the block. Also, OHNO et al. teaches at the figures wherein the cell wall is substantially constant in any longitudinal plane of section of the block. As an addendum to the previous combination obvious statement above for claim 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of the wherein the reinforcement is substantially constant in any longitudinal plane of section of the block of MATSUBARA et al. to the ceramic honeycomb body of OHNO et al. for the benefit reducing the occurrence of chipping in the ceramic honeycomb body.

For instant claim 27, in relation to the OHNO et al. and MATSUBARA et al. combination, MATSUBARA et al. teaches at the table the thickness of the first portion is 0.3 and the thickness of the second portion is 0.15, in a transverse plane of section. It is the Examiner's position that 0.3 divided by 0.15 equals 2. Also, it is the Examiner's position that is within the claimed range of 1.9 and 2.1, thereby providing a prima facie case of obviousness. (MPEP 2144.05 PART I)

For instant claim 35, OHNO et al. teaches at the figures a block (F1) with the shape of a rectangular parallelepiped.

For instant claim 36, OHNO et al. teaches at the figures particularly figure 16 wherein the assembled blocks (F1) have the cell wall (side wall) along their whole external surface.

For instant claim 38, OHNO et al. teaches at the figures particularly figure 16 a flow cross section of an inlet through hole (channel) (12) and an outlet through hole (channel) (12) are substantially identical to those of the other inlet and outlet channels.

Allowable Subject Matter

31. Claims 21, 26, 29, 30 and 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

32. Applicant's arguments filed 5 November 2009 have been fully considered but they are not persuasive.

33. Applicant's arguments at pages 10-13, with respect to claim 18 have been considered but are moot in view of the new ground(s) of rejection.

34. Applicant argues that KOTANI teaches away from extruding a block which presents a reinforcement as it is extruded therefore claim 18 is patentable. The Examiner respectfully disagrees. Claim 18 claims an apparatus, not a method making of making an apparatus. Therefore, the Applicant's argument is not applicable to the apparatus claim, claim 18.

35. Applicant argues that KOTANI teaches away from one-piece blocks where the reinforcement has the same material nature as the blocks as required by claim 18. The Examiner respectfully disagrees. The prior art's mere disclosure of an alternative does not constitute a teaching away. Also, Clearly claim 18 does not explicitly recite, "one-piece blocks where the reinforcement has the same material nature as the blocks."

Also, the Examiner disagrees that claim 18 implicitly requires the reinforcement has the same material nature as the blocks.

36. Applicant argues that KOTANI teaches away from one-piece blocks from the combination of one-piece blocks and constant thickness. The Examiner respectively disagrees. The prior art's mere disclosure of an alternative does not constitute a teaching away.

37. Applicant argues that KOTANI teaches away from reinforcing the rectangular parallelepiped blocks inside the filter body of OHNO. The Examiner respectively disagrees. The prior art's mere disclosure of an alternative does not constitute a teaching away. Also, the Examiner notes that ICHIKAWA et al. (US 6,656,564 B2) teaches at the figures particularly figure 2(b) and column 5 lines 10-19 thickening walls within a parallelepiped block (i.e. reinforcement).

38. Applicant's arguments at page 16 paragraph 3 – page 20, are moot since they are not directed to the current application.

39. Applicant asserts that OHNO et al. teaches moving the center of the curvature towards the inside of the filter until the radius exceeded 2.5 mm. The Examiner respectively disagrees. OHNO et al. depicts the outer wall thicker than the inner wall.

41. Applicant asserts that OHNO et al. teaches moving the center of the curvature towards the inside of the filter. Respectively, the Examiner does not agree with this interpretation. But, regardless of the Applicant and Examiner's disagreement on this interpretation of curvature, if one were to agree with the Applicant's interpretation of OHNO et al. teaching moving the center of the curvature towards the inside of the filter, the above obviousness rejection of OHNO et al. in view of MATSUBARA et al. remains.

40. Applicant asserts at page 23 paragraphs 1-3 a teaching away from increasing the thickness of the outer wall. Respectively, the Examiner does not find the Applicant's argument persuasive. An Applicant's statement does not constitute a teaching away in the prior art.

41. The Applicant argues that no measure of the drawings of OHNO et al. should be taken, because OHNO discloses a cell wall 13 is about 0.3 mm, and the figures would mean that the width of the filter blocks would be about 5 mm. Respectively, the Examiner does not find the Applicant's argument persuasive. Clearly, OHNO et al. enlarged the view of the device to make viewing the depiction of the invention easier.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. JP-B-05041296 Honeycomb.

- b. JP-B-62018797 Honeycomb.
- c. JP-B-62060320 Honeycomb.

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY SHUMATE whose telephone number is (571)270-5546. The examiner can normally be reached on M-Th 9-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Marcheschi can be reached on (571)272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A.S./

/Jason M. Greene/
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